FILED
NOV 29 2016
Clerk, U.S. District Court
Texas Eastern

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

Form To Be Used By A Prisoner in Filing a Complaint
Under the Civil Rights Act, 42 U.S.C. § 1983

Benny Jr. Hammond #1573722
Plaintiff's name and ID Number

MARK W.MICHAEL UNIT 2664 FM 2054 Tennessee Colony,TX75886
Place of Confinement

CASE NO: 6:16cv1337 RWS/JDL
(Clerk will assign the number)

v.

Bryan Collier (successor of Brad Livingston);David Gutirrez,
p.o Box 13084-Capital Station,Austin Tx 78711-3084
Defendant's name and address

DAVID G. GUTIERREZ
P.O BOX 99 Huntsvill,Tx 77342-0099
Defendant's name and address

BOBBY LUMPKIN
P.O BOX 4013 Huntsville, Tx 77342-4013
Defendant's name and address
(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.

2. Your complaint must be legibly handwritten in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE**. ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.

3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.

4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of Texas prison units indicating the appropriate District Court, the Division and an address of the Divisional Clerks.

FILING FEE AND IN FORMA PAUPERIS

1. In order for your complaint to be filed, it must be accompanied by the filing fee of **$350.00**.

2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth the information to establish your inability to prepay the fees and costs or give security therefore. You must also include a six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.

3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "…if a prisoner brings a civil action or files and appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire **$350** filing fee has been paid.

4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.

CHANGE OF ADDRESS

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked **"NOTICE TO THE COURT OF CHANGE OF ADDRESS"** and shall not include any motions(s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedures.

I. PREVIOUS LAWSUITS:

A. Have you filed any other lawsuits in the state or federal court relating to imprisonment? ✓ YES _______ NO

B. If your answer to "A" is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: 6/16/2016

2. Parties to previous lawsuit:
Plaintiff(s): The Undersigned Prisoners, Steven Keith Green#01628182, et al,
Defendant(s): Brad Livingston(succeeded by Bryan Collier), Texas Department of Criminal Justice-CID, Texas Board Of Pardons& Parole, members, et al.

3. Court (If federal, name the district; if state, name the county) U.S.D.C.Eastern Dist.Of Tex. Tyler Division

4. Docket Number: 6:16-CV-503(separated into 400 plus cases)

5. Name of judge to whom case was assigned: U.S.D.Judge unknown;magistrate K.Nicole Mitchell was assumed to be sitting

6. Disposition: (Was the case dismissed, appealed, still pending?)

Severance from the Undersigned Prisoners of TDCJ/TBPP, and case Ordered to be ~~transferred~~ transferred to the docket of unknown judge, at this time.

7. Approximate date of disposition: 6-16-16; sent motions to consolidate cases but no response thus yet addressed.

II. PLACE OF PRESENT CONFINEMENT: TDCJ- MARK W. MICHAEL UNIT

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution? ______ YES ______ NO

Attach a copy of the Step 2 grievance with the response supplied by the prison system.
Note; claim is not a grievable iss through TDCJ

IV. PARTIES TO THE SUIT:

A. Name of address of plaintiff: Benny J. Hammond michael unit 2664 FM 2054 Tennessee Colony, Tx 75886

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: BRAD LIVINGSTON, Executive DIRECTOR OF TAXAS Department of CRIMINAL JUSTICE 209 West 14th Street 5th Floor, price Daniel Building Austin Tx. mailing address P.O Box 99 Huntsville, Tx 77342-0099

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.
Violation of 4th & 13th AMENDMENT RIGHTS as violation of Title 18-1589-1595 denial of accumlated earned work time/good time, theft of labor/services.

Defendant #2: DAVID GUTIERREZ, TDCJ, CHAIR 3408 S. State HWY. 36 Gatesville, Tx 76528

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.
violation of 4th &13th AMENDMENT RIGHTS as well as violation of Title 18§ 1589§1595 denial of accumulated earned work time/good time, theft of labor/services.

Defendant #3: BOBBYLUMPKIN P.O Box 4013 Huntsville, Texas 77342-4013

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.
violation of 4th & 13th AMENDMENT RIGHTS as well asviolation of Title 18 § 1589 § 1595 denial of accumulated eared work time/good time/ theft of labor / services.

Defendant #4: N/A

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

Defendant #5: N/A

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal argument or cite any cases of statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

defendants are violating plaintiff(s) 4th & 13th AMENDMENT RIGHTS as well as violating Title code 18§ UNITED States Code§

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite not cases or statutes.

order the said defendant(s) to pay said plainff(s) for their / his work product / labor and also order said defendant(s) to recognize as well as make plaintiff(s) work time and good time apply to plaintiff(s) sentence atfording a real time reduction for said time credits.

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases:

only

B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if know to you.

only

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? ____ YES ✓ NO

B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (If federal, give district and division): ____________
2. Case Number: ____________
3. Approximate date sanctions were imposed: ____________
4. Have the sanctions been lifted or otherwise satisfied? ______ YES ______ NO

C. Has any court ever warned or notified you that sanctions could be imposed? ____ YES ✓ NO

D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): ____________________
2. Case number: ____________________
3. Approximate date warning were imposed: ____________________

Executed on: 9-6-16
(Date)

Benny J. Hammond #1573422
(Printed Name)

Benny J. Hammond #1573422
(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachment thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits are dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger or serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire **$350** filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from the inmate account by my custodian until the filing fee is paid.

Signed this 6 (Day) day of September (Month), 20 16 (Year).

Benny J. Hammond #1573422
(Printed Name)

Benny J. Hammond #1573422
(Signature of Plaintiff)

WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limbed to monetary sanctions and/or the dismissal of this action with prejudice.

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEAXS

TYLER DIVISION

Benny Joe Hammond#01573422,et al	§	
Plaintiff(s) -pro se capacity.	§	
	§	
VS,	§	-CV-
	§	JURY TRIAL REQUESTED
TEXAS DEPARTMENT OF CRIMINAL JUSTICE;	§	
TEAXS BOARD of PARDONS and PAROLE;	§	
TEXAS CORRECTIONAL INDUSTRIES;and	§	
Bryan Colier(sucessor,et al)	§	
Defendants,in their Official and	§	
Individual capacities	§	

ORIGINAL PETITION

FOR CIVIL RELIEF AND DAMAGES

TO THE HONORABLE JUDGE OF SAID COURT:

NOW APPEARS the undersigned prisoner(s) (plaintiff(s)),in the above styled and numbered cause and files this original petition for civil relief and damages. Plaintiff(s) would respectfully show the following:

I.

Parties:

Defendents: Texas Department of Criminal Justice(TDCJ);Texas Board of Pardons and Paroles(TBPP);Texas Corrections Industries(TCI);Brad Livingston(Executive Director of TDCJ);and every member of the Board of TDCJ and every member of the Board of Pardons and Paroles,in their official and individual capacities,along with every member of the Board of Texas Correctional Industries,in their official and individual capacities.

Plaintiff(s): are all of the undersigned prisoner(s),who are currently incarcerated in the Texas Department of Criminal Justice system,located in the State of Texas.

II.

JURISDICTION

Plaintiff(s) are residents of the State of Texas and have been for over 90 days. Plaintiff(s) are currently being subjected to an illegal scheme that deprives them of their labor/services and work product without any due compensation. Plaintiff(s) are raising constitutional questions under both the 4th Amendment and the 13th Amendment of the United States Constitution as well as a Federal issue under Title 18,United States Code § 1589,including Federal Civil liability under Title 18,United States Code § 1595.

The violation of plaintiff(s) constitutional rights and U.S Codes are alleged to have occured and are occuring in the State of Texas by way and and use of color of law under § 1983 contrary to the laws of both Texas and the United States of America. Plaintiff(s) are currently being confined in and throughout various units of TDCJ in the State of Texas. Present plaintiff is confined in/at the Mark W. Michael unit located at 2664 FM 2054,Tennessee Colony,Texas. Plaintiff(s) are within the jurisdiction of the Eastern District of Texas,Tyler Division.

III.

HISTORY

Texas is one of the few States and or Territories of the U.S that does not pay a viable wage for prisoner(s) labor/services. Texas has recognized the need to pay prisoners for some types of labor/services associated with programs falling under the Federal Prison Programs Act and codified via Vernon's Texas Goverment Code 497.004 within it's TCI Industry work programs.

However TDCJ has failed to offer "any meaningful compensation" to other prisoners that they receive labor/services from.

TDCJ has applied a "Good Time/Work Time"compensation plan in lieu of actual tangible tender. Unfortunately,this "new compensation" plan does not have value. This compensation plan is not useful to purchase "any" goods and or services within TDCJ,outside of TDCJ,nor can it be used to shorten a prisoners sentence. But as a condition of a prisoners release to Parole/Mandatory Supervision a potential parolee "must"agree to sign a waiver of all rights and interest in any and all accured "Good Time/Work Time". This is not a voluntary relinguishment of property,but a mandatory requirement imposed by said defendants. Also Texas House Bill 1649 also authorizes the Texas Board of

Pardons and Paroles as well as the Texas Department of Criminal Justice to not restore "Good Time/Work Time" on most Parole/Mandatory supervision violators and or violations,(Tex.Gov.Code 508.150(d).

IV.

FACTS

Plaintiff(s) are being subjected to a payment system for their labor/service and good behavior. However,this payment system is designed to enrich the Texas Department of Criminal Justice,Texas Correctional Industries,its subdivisions,and/or minimize the operating cost of said entities by the inducement and use of a false flat currency.

This new currency was created and codified by the Texas Legislature for the use and benefit of the Texas Department of Criminal Justice. TDCJ is the managing benefactor of this bill of credit/tender(i.e. Good Time/Work Time)as it actively promotes,creates,distributes,and maintains as accurate account of each and every plaintiff's credit.

The Texas Legislatiure implemented this system as a method for compensation and compensating prisoners for their work time simply to avoid direct violation of Title 18,United States Code § 1589(forced Labor)by TDCJ as an agency of the State of Texas,and to promote a lower operating cost for TDCJ.

Title 18 of the United States Code § 1589 states as follows; § 1589 (a) whoever knowingly provides or obtains the labor or services of a person by any one of,or by any combination of,the following means; (1) By means of force,threats of force,physical restraint,or threats of physical restraint to that person or another person;(2) By means of serious harm or threats of serious harm to that person or another person:(3) By means of the abuse or threatened abuse of law or legal process or;(4) By means of any scheme plan,or pattern intended to cause the person to believe that,if that person did not perform such labor or services,that person or another person would suffer serious harm or physical restraint,shall be punished under subsection (d).

(b) whoever knowingly benefits financially or by receiving anything of value,from participation in a venture which has engaged in the providing or obtaining of labor or services by any of the means described in subsection (a) knowing or in reckless disregard of the fact that the venture has engaged in the providing or obtaining of labor or services by any such means,shall be punished as provided in subsection (d).

(c) In this section (1) The term"abuse or threatened abuse of law or legal process"means the use or threatened use of a law or legal process for which the law was not designed,in order to excert pressure on another person to cause that person to take some action or refrain from taking some action.

(2) The term "serious harm" means by any harm whether physical or non-physical,including psychological,financial,or reputational harm,that is sufficiently serious,under all the surrounding circumstances,to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that harm. (d)whoever violates this section shall be fined under this title imprisoned not more than 20 years,or both. If death results from a violation of this section or if the violation includes kidnapping,an attempt to kidnap, aggravated sexaul abuse,or an attempt to kill,the defendent shall be fined under this title,imprisoned for any term of years of life or both.

Such a system/scheme clearly represents a monetary value when associated with the production of goods and/or services whether they be sold,or used by TDCJ,or any other entity. As such,defendents are in violation of the U.S. Constitution Preamble Article 1 § 10 (I) whereby:"no State shall enter into a treaty,alliance, or confedration;grant letters of marquee and reprisal;coin money; emit bills of credit,make anything but gold or silver coin tender in payment of debts;pass any bills of attained/ex post facto law,or any law impairing the obligation of contracts,or grant any title or nobility."

The expressed intention and purpose of this TDCJ system is to pay a prisoner in "Good Time/Work Time". However,there is no measureable value earned by a prisoner upon TDCJ's payment system. The United State of America is free of slavery and involuntary servitude. Specific conditions do exist under the 13th Amendment for the enslavement or involuntary servitude of an individual as a punishment for a crime whereof a party shall have been duly convicted.

However,herein plaintiff(s) have "not"been sentenced to slavery or invoulntary servitude as a part of their sentence. Further,most people in the United States find the idea of a State sentencing an individual to this form of punishment to be repugnant and contrary to the evolving standards of decency that mark the progress of our maturing society.

In addition, §2 of the 13th Amendment to the United States Constitution further defines that Congress shall have power to enforce this Article by appropriate legislations. Such legislation is clearly represented in Title 18, United States Code § 1589. Slavery labor is defined as:work done by slaves persons(such as political prisoners)forced to perform labor/service;any forced or paid labor. (Oxford American Dictionary pg.858,1980 Edition)Slave is defined as :(1)a person who is the property of another and obligated to work for him;(2)one who is dominated by another or by influence;a slave to duty; (3)a person compelled to work very hard for someone else;a drudge.

Plaintiff(s) were not sentenced to slavery or involuntary servitude,but to confinement and/or restitution. Therefore,plaintiff(s) assert that defendent(s) cannot arbitrarily change the prounced sentence of the trial court from confimement and/or restitution to confimement and/or restitution "and" slavery/involuntary servitude for mere convenience,which is prejudicial to plaintiff(s) interest to be free from forced labor/service.

TDCJ,its agents or subordinates,including the Texas Board of Pardons and Parole(TBPP),routinely strip and deprive prisoners(including herein named plaintiff(s)) of their Good Time/Work Time for an alleged violation of one or more infractions. These violations of rules are unadjudicated and are taken as property. If Good Time/Work Time was awarded an actual monetary value,as it should,its intentions and consequences of removal would be obvious. As per the 4th Amendment of the United States Constitution,it is illegal for a goverment entity to seize up the property of another without cause and "due process".

Plaintiff(s) contend and believe that this Court will determine that the above described Good Time/Work Time system is nothing more than a scheme to induce compliance into performance,as prescribed by TDCJ and TBPP and/or their agents,in a coordinated effort to deceive the citizens of the State of Texas and elsewhere and its prisoner population.

This system,and its illegality of depriving an individual of their work produce is clearly delineated in Title 18,United States Code § 1589 Forced Labor Act. And,in accordance with Title 18,United States Code § 1589 (a),a violation occurs when "Whoever knowingly provides or obtains the labor or services of a person by anyone,or by any combination of the following means: (1)by any means of force,threats of force,physical restraint,or threats of physical restraint to that person or another person;(2) by means of serious harm or threats of serious harm to that person or another person. (3) by means of the abuse or threatened abuse of law or legal process or (4) by means of any scheme,plan or pattern intended to cause the person to believe that if that person did not perform such labor or services,that person or another person would suffer serious harm or physical restraint."

V.

APPLICATION/PRACTICE/SCHEME

In a typical scenario,a prisoner is "processed" into the TDCJ system through various aptitude tests,sociology interviews,and classification reviews. A job is assigned to the prisoner. Upon assignment,the prisoner is required to submit to any required OSHA/Safety training and/or tasks specific educational training as TDCJ might require. The prisoner is then required to "turn out"for work when work is called. This"turn out" constitutes the accrual of "Good Time/Work Time,or both,which is represented as a single number for every day that the prisoner worked. Any prisoner who fails or refuses to work is prohibited from earning any amount of Good Time/Work Time until compliance with work requirements are made.

The first disciplinary case for noncompliance involves the entry for a "minor case"in the prisoners disciplinary record. Any subsequent offenses yields a "major case" which is a higher offense depriving the prisoner of of one or more "privileges"whether that be recreational time outside of his cell,loss of Good Time/Work Time credits already earned,loss of visitation privileges,loss of the ability to purchase "commissary"items,loss of the to participate in religious services,loss of offender phone privileges,loss of educational/vocational opportunities,etc. Additionally,violations may result in higher levels of confinement(segregation)as a punishment or a tool to compell compliance with work requirements.

Further refusal to work may even subject a prisoner to a transfere to another facility that is usually well beyond the "normal" distance for the prisoners family members and/or friends to travel,thereby limiting contact with family and friends as an additional punishment or tool to compel compliance with work requirements. Escalation of a disciplinary case to a "major case" can and usually has the effect of reducing the prisoners Good Time/Work Time credit. So the rate being "paid" to the prisoner is reduced for some term,usually extending six (6) months or more. This reduction via a scheme/system is known as reduction in "line class" and it certainly has a negative effect on the prisoners ability to achieve a lower custody level via Parole/ Mandatory Supervision;both of which are simply a continuation of custody with reduced restrictions.

Conceivably,as promulgated by TDCJ and TBPP,Good Time/Work Time is used in the application of sentence reduction(Vernon's Tex.Gov.Code 508.150). For an illustration of the defendants unconstitutional application of Title 18,United States Code § 1589,plaintiff(s) respectfully note the following:(1) In practice an individual sentenced to 10 years "confinement" in TDCJ would accumulate calender time known as "flat time",Work Conduct Time known as "Work Time,and Good Comnduct Time known as "Good Time". A typical time calculation would allow the number of years sentenced to be "subtracted" from the number of years remaining to be served on the prisoners sentence. Note:) see example,TDCJ's and TBPP's calculation for a 10 year sentence. First example, is with consideration of "work time& good time,as follows,5 years (flat time) minus 2½ years accumulated (Good Time) and minus 2½ years (Work Time) would/should equal 10 years completed and sentence finished. Second example, is without the consideration of accumulated"work time & good time",as follows 5 years (flat time),minus 2½ years accumulated (Good Time),minus 2½ years accumulated (Work Time) equals 5 years completed on prisoners sentence,thus showing that TDCJ does not honor the accumulation of prisoners"earned"accumulated Good Time and earned and accumulated Work Time.

Hence the prisoner "could be released on Parole or Mandatory Supervision if TDCJ honored the prisoners earned and accumulated Good Time and earned and accumulated Work Time ,instead of dishonoring it and forcing prisoner to continue extending his work product for free and as a "slave".

Also a release on Mandatory Supervision is now discretionary and there is no guarantee that such a prisoner would be released. And certain offenses "do not" qualify for release via this calculation.

Further a release to parole or mandatory supervision is not,per se,liberty because an individual subject to this type of release is "still" under the custody of the State until the time has expired on their original sentence and every parolee is still subject to the rules,regulations,and policy changes of the TBPP(Tex.Gov.Code 508.143).

Parole has no such published guidelines and a prisoners release/transfere to parole is at the sole discretion of the TBPP. "Mandatory" Supervision previously codified as Mandatory,now is Discretionary Mandatory Release and in effect,there is no value earned by either Good Time/Work Time credits. Currency,money,credits are all used to purchase things of value. There is nothing that can be purchased and or demanded upon payment of Good Time/Work Time.

Plaintiff(s) therefore contend that Good Time/Work Time credits are being used as a false currency. Moreover,Tex.Gov.Code 508.150 (d) specifically delineates,"A parole panel may not use calender time served and Good Time accured by a prisoner that are used by the panel in determining when a judgment and sentence cease to operate."

The jobs required to be performed by prisoners vary in task/skill throughout the system. They include,but are not limited to: professional over the road trucking,requiring a class "A" Commercial drivers license;food production via various means of agriculture,food preparations,janitorial services,clerical services and repair maintenance of equipment/vehicles/facilities. There are additional trade functions performed such as electrical,HVAC,plumbing, welding,and other construction services;including the building of prisons by prisoners and road building for the Texas Department of Transportation, where available.

TDCJ is believed to own one of the largest cattle herd,chicken stock,and pig farms in the State of Texas. All operations are run on labor/service of prisoners at market rates:note)If labor/services were not being performed for free under the Good Time/Work Time scheme,fair wages for prisoner labor/ services would be necessary to satisfy the requirements of Title 18,U.S.C. § 1589.,and defendants system is obviously designed to reduce TDCJ's operating cost and added benefit of generating income for TDCJ.

VI.

SUMMARY:

Plaintiff(s) contend that TDCJ and TBPP cannot have it both ways. They cannot say on one hand that Good Time/Work Time is a valuable consideration, then on the other hand say it has no value (upon request for exchange of other valuable consideration). Clearly this is a hallmark chacteristic of an illegal scheme to deprive one of their property via deception,coerion,and manipulation. Surely anyone can see that both TDCJ and TBPP enjoy unconstitutional (absolute) authority over prisoners who have been confined to TDCJ and later via Parole/Mandatory release to the TBPP.

Good Time/Work Time will not pay an assessment or restitution in a criminal judgement and Good Time/Work Time is clearly discretionary and arbitrarily applied as there are no or insufficient mandates related to the relaese of a prisoner after acquiring a specific combination or aggregate of flat time.

And the indiscriminate revocation of Good Time/Work Time, including legislative efforts to curtail the use of or entirely remove a prisoners "labor/service or work product" without a commensurate compensation provided to the prisoner, clearly demonstrates the unconstitutional value and merit of the system/scheme. In fact TDCJ's value of its reward system is so low that a prisoner cannot purchase basic necessity items, nor a candy cane, or even provide a fee of $3.00 for a medical co-pay (much less a $100.00 medical co-pay fee that the prisoner(s) are charged for medical treatment). Certainly no party could argue that Good Time/Work Time credits have "any" measurable value or are by any means utilized to shorten a prisoners time of confinement and/or incarceration. Parole/Mandatory Supervision is simply the continuation of custody in another physical location within the scope rules and confines of either TDCJ and/or TBPP. Hence it is clearly an affront and in fact fraud of the same practices that are currently occuring within the confines of TDCJ/TBPP were implemented the confines of TDCJ/TBPP.

An employee would simply promise payment, decide on what work was to be performed, command compliance and then pay with its own paper or credit currency without any mechanism to redeem for any value. It behooves the goverment to put in and use an honest set of weights and measures for the payment of debts, and not use convenient excuses or schemes to defraud those which they represent.

Former U.S. Supreme Court Justice, Louis Branders wrote..."crime is contagious, especially when the goverment commits it." When the goverment breaks the law and deifes the constitution, it sets the standard that makes it much easier for society to do the same. When goverments and politicians show contempt for the law, it is a signal that everyone else can do it as well."
(End the Fed, Ron Paul 163).

VII.

REQUEST CLASS CERTIFICATION

Plaintiff(s) request class certification as soon as possiable after the commencement of this action. A request for class certification must assert that four requirements of Rule 23(a) are met and the class meets at least one of the three catagories of Rule 23(b). Wal-Mart Stores, Inc v. Dukes, 131

S. Ct 2541,2548 (2011).

One or more members of a class may sue as representative parties on behalf of the class if all the following requirements are met: (1) the class is so numerous that joinder of all members is impracticable,(2) there are questions of law or fact common to the class,(3) the claims or defenses of the representative parties are typical of the claims or defenses of the class, and (4) the representative parties will fairly and adequately protect the interest of the class. Fed. R. Civ.P. 23 (a);Ortiz v. Fibreboard Corp., 527 U.S. 815,828 n.6 (1999); Mullen v. Treasure Chest Casino,LLC,186 F. 3d 620 623 (5th cir.1999)

The court should grant plaintiff(s) request for class certification for the following reasons:

1.) The class is so numerous that joinder of all members is impracticable, Fed. R. Civ. Proc.23(a)(1); Pederson v. LA,. 213 F.3d 858,868-60 & n.11 (5th Cir.2000). Presently,there are more than 150,000 prisoners within the State of Texas who will be affected by this action and due to their incarceration as well as the restrictions placed upon them by the herein named defendant(s) joinder of all members is impracticable.

2.) There are questions of law or fact common to the cclass. Fed. R. Civ. Proc.23(a)(2). The class members have all suffered or will suffer the same injury. Specifically,plaintiff(s) are being subjected or will be subjected to the same illegal scheme which deprives them of their labor/services and work product without due compensation.

3.) The claims of the proprosed class representative are atypical of the claims of all class members. Fed.R. Civ. Proc.23(a)(3). The undersigned prisoner(s) have the same interest and have generally suffered the same type of injury as the rest of the class.

4.) The undersigned plaintiff(s) will fairly and adequately protect the interest of the class. Fed. R. Civ. Proc 23(a)(4). Class members are or will be subjected to the same injuries that the undersigned plaintiff(s) are being subjected to and the relief that the undersigned plaintiff(s) seek will remedy not only plaintiff(s) complaints,but those of the class as well. Moreover the undersigned plaintiff(s) expect to be appointed with competent counsel who will represent the class.

The court should certify the class because prosecuting separate actions against individual class members would create a risk of adjudications for substantially impair or impede the other members ability to protect their interest. Fed. R. Civ. Proc. 23(b)(1)(B); In re Integra Realty Res.Inc, 354 F.3d 1246,1263-64 & n.6 (10th Cir.2004).

This court should certify the class because defendants have acted on grounds generally applicable to all proposed class members,so the final injunctive or declaratory relief is appropriate for the entire class. Fed. R. Civ. Proc. 23(b)(2).

WHEREFORE,this court should certify the class because the common questions of law or fact predominate over any questions affecting only individual members,and the class action is superior to other available methods for fairly and efficiently adjudicating the controversy. Fed. R. Civ. Proc.23(b)(3).

Specifically,the class members are not interested in individually controlling the prosecution of separate actions. Fed. R. Civ. Proc.23(b)(3)(A).

VIII.

PRAYER:

Plaintiff(s) humbly PRAY that this court GRANT RELIEF on the issues rraised in this petition:

1) Issue Declaratory Judgement declaring that Title 18,United States Code § 1589 (Forced Labor Act) prohibits defendants from obtaining labor or services from undersigned plaintiff(s) and all class members by force,coercion, threats or physical restraints;

2) Issue Delaratory Judgement declaring that Title 18,United States Code § 1589(Forced Labor Act) requires defendants to compensate its prisoners for any labor or services provided;

3) Issue a Permanent Injunction compelling TDCJ,TBPP,TCI,its subsidiaries, and subordinates to cease and desist from obtaining prisoners labor or services by force,coercion,threats or physical restraints ~~unless~~ upon the expressed written and voluntary consent to such labor or services;

4) ORDER and/or issue a Permanent Injunction compelling defendants to compensate "all" prisoners for "any" and "all" labor or services provided by placing money earned into the prisoners current Trust Fund Account;

5) ORDER and/or issue a Permanent Injunction compelling defendants to investigate,restore,and make compensation to "all" prisoners who has had GoodTime/ Work Time removed,either voluntary on release or involuntary for any cause

for the previous ten (10) years;and

6) Issue any and all other ORDERS for"any and all"relief available and/or deemed necessary and proper to remdy the Constitutional and Statutory violations.

7) ISSUE a Declaratory Judgement and or Permanant Injunction prohibiting TDCJ, TCI,TBPP and or any of its subsidiaries and or entities from leveling "any" and or all exorbiant cost and or fees for cost of confinement against prisoner(s)/plaintiff(s).

Respectfully and Humbly Submitted
Undersigned Prisoner/plaintiff

Benny J. Hammond
Printed Name:

TDCJ #: 1513422

TDCJ-Michael Unit
2664 F.M. 2054
Tennessee Colony,Texas 75886

DECLARATION

Pursuant to 28 U.S.C. 1746, I declare(certify,verify,or state) under penalty of perjury that the following is true and correct to the best of my own self knowledge.

Plaintiff(s) 4th and 13th Amendment rights are being violated by said defendants as well as a violation of Title 18,United States Code § 1589 and Code § 1595.

Plaintiff(s) is being denied any meaningful compensation for his/her labor/services and plaintiff(s) are being forced to labor/service for said defendants by threat of legal action and depravation of entitlements by said defendants. Plaintiff(s) is subjected to slave labor at the benefit of the defendants. And plaintiff(s) are being denied actual meaningful accumulation of his/her earned work time sentence reductions as well as his/her earned good conduct time reductions by said aforementioned defendants.

Signature, Benny J. Hammond #1573422.

Date, September, the 6 2016.

-Jim.